

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MAURICE EDWARDS,

Plaintiff

v.

SECRETARY JOHN WETZEL, et al.,

Defendants

3:12-CV-1933

(JUDGE MARIANI) FILED  
SCRANTON

JUN 21 2013

PER   
DEPUTY CLERK

ORDER

AND NOW, THIS 21st DAY OF JUNE, 2013, upon review of Magistrate Judge Carlson's Report and Recommendation (Doc. 14) issued pursuant to the Court's statutory obligation to conduct a preliminary review of prisoner *pro se* complaints brought by plaintiffs who seek and are granted leave to proceed *in forma pauperis* in cases which seek redress against Government officials, which review is undertaken pursuant to 28 U.S.C.

§ 1915A, and on review of all relevant docket entries, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation (Doc. 14) is **ADOPTED**, except as provided in 3 below.
2. Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (Doc. 11) is **GRANTED.**
3. The following claims and parties are dismissed from this action

**WITHOUT PREJUDICE:**

- a. The supervisory liability and failure to respond to grievance claims against Defendants Wetzel and Ditty; and
  - b. All claims based solely upon allegations of verbal abuse.
  - c. **ON OR BEFORE WEDNESDAY, JULY 10, 2013, PLAINTIFF SHALL FILE AN AMENDED COMPLAINT** that conforms to the directions contained within the Report and Recommendation.
4. Plaintiff's claims arising out of the alleged failure to serve the Plaintiff breakfast on August 23, 2011, are **DISMISSED WITH PREJUDICE**.
5. Plaintiff's claims of excessive force and deliberate indifference in his Amended Complaint (Doc. 11) filed against Defendants Britton, Brosius, Youch, Ayres, Moore, McGinnis and Melissa may proceed and the Clerk is directed to cause Plaintiff's Amended Complaint (Doc. 11) to be served upon the Defendants, but limited to the excessive force and deliberate indifference claims only.
6. The Clerk of Court is also directed to respond to the Plaintiff's letter (Doc. 15) filed April 2, 2013, to again advise him of the proper procedures for the filing of a complaint in connection with his claim of a violation of the procedures with respect to the distribution of mail to him and to confirm the Court's receipt of his Amended Complaint filed January 2, 2013 (Doc. 11) as well as receipt of Plaintiff's Motion to Appoint Counsel (Doc. 10)

also filed January 2, 2013, and further, to provide the Plaintiff with a copy of the Memorandum and Order of Magistrate Judge Carlson denying Plaintiff's Motion to Appoint Counsel (Doc. 12) filed January 16, 2013.



Robert D. Mariani  
United States District Judge